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IN REPLY REFER TO:
HAR-M 077.19

May 24, 2019

HARBOR MASTER NOTICE – MAUI DISTRICT

Re: Maui District Heavy Weather Procedures and Request to Remain In or Enter Port

I. JURISDICTION

The State of Hawaii authorized the Department of Transportation, Harbors Division (DOTH) with the care and control of all vessels and shipping within its commercial harbors primarily for the loading, off-loading, and handling of cargo and passengers from vessels of commercial cargo, passenger and fishing vessels entering and leaving or traveling within the State and its facilities [Reference HRS ¶266-1].

II. RULES

The DOTH, through its Director, may adopt rules as necessary for the expeditious and careful handling of freight, goods, wares, and merchandise to be delivered for shipment or discharged on the commercial docks, wharves, piers, or landings controlled by the State [Reference HRS ¶266-3(4)], and to adopt rules for the safety of the docks, wharves, piers, and landings [Reference HRS ¶266-3(5)].

III. PREFACE

The Department of Business, Economic Development and Tourism states that about 80% of all goods used in Hawaii are imported and of this amount, 98.6% of the goods are brought in through the commercial harbors system. The State relies on the DOTH commercial harbor system as its lifeline for its just-in-time import of goods and energy for its economic security. The DOTH's mission is to ensure the fastest recovery and resumption of cargo operations post heavy weather event.

IV. HEAVY WEATHER PROCEDURES AND REQUEST TO REMAIN IN PORT OR ENTER – MAUI HARBOR DISTRICT COMMERCIAL HARBOR MASTER NOTICE NO. HMN-M 19.001, MAY 24, 2019.

The Harbors Division, Maui District ((Kahului Harbor, Hana Harbor, Kaunalapau Harbor & Kaunakakai Harbor) is adopting procedures for requests to Remain in Port or Enter the commercial harbor during the period recognized as the start and end of the Hurricane Season, June 1 to November 30 of each calendar year.

A. Piers Closures. The following wharves and portions of wharves in Maui District are closed for all heavy weather events pursuant to HAR 19-42-124 for safety reasons (e.g. fuel piers) or due to the probable interference with cargo handling or vessel operations (e.g. container operations) [Reference HAR 19-42-124.]

HARBOR / PIER	FOOT MARKS – COMMENTS
Kahului Harbor / Pier 1	0' to 440' – Reserved for USCG & Assist Tugs
Kahului Harbor / Pier 1	440' to 1100
Kahului Harbor / Pier 1	Dolphin pier
Kahului Harbor / Pier 2	Entire pier
Kahului Harbor / Pier 3	Entire pier
Hana Harbor / Pier	Entire pier
Kaunalapau Harbor / Pier	Entire pier – Includes small boat platform
Kaunakakai Harbor / Pier	Entire pier – Includes ferry terminal pier

1/ (See Attached Map)

B. Available Piers. Piers located at a Maui District commercial harbor not listed above are available to receive Request to Remain in Port or Enter.

The person requesting to remain in port or enter (“Requestor”) is advised to complete the attached *Request to Remain in Port or Enter* form and the Department of Transportation’s Request for Supplemental Information and: 1) identify the pier and foot marks for a specific vessel; 2) provide all information requested in the form.

C. Request to Remain in Port or Enter Form **Due June 1, 2019.**
Will accept late Requests to June 7, 2019

i. Submitting A Request to Remain in Port or Enter the Commercial Harbor.

The application for the Request To Remain In Port Or Enter the Commercial Harbor form and the Department of Transportation’s *Request for Supplemental Information* can be found at <http://hidot.hawaii.gov/harbors/library/harbor-master-notices-Maui-district/>

- ii. The Requestor shall complete the *Request to Remain in Port or Enter* form and the *Department of Transportation's Request for Supplemental Information* completely, clearly, concisely, and legibly
- iii. The Harbor Master shall return forms that are incomplete and/or illegible without action to the Requestor to be completed or made legible.
- iv. The Harbor Master shall review and approve or disapprove the Request within the authority and discretion in the Harbor Master's application of the Hawaii Administrative Rules, Chapters 19-41, 19-42, and 19-44.
- v. The Harbor Master's approval relies on the Requestor's plan and implementation of the Requestor's plan to remain or enter the port and should not be construed to endorse, certify or guarantee nor shall the State in any way be liable for the safety of the vessel.
- vi. Requestor, if approved to remain or enter the port is solely responsible for the accuracy of the plans, specifications or other information and documentation provided by the Requestor and berths at Requestor's own risk.
- vii. A Requestor approved to enter the port enters at Requestor's own risk and is liable for damages to State property regardless of whether the damage is a result of an Act of God.

D. Approval to a Request to Remain in Port or Enter the Commercial Harbor is Conditional.

An approval to a Request to Remain in Port or Enter the Commercial Harbor is *conditional* and maybe revoked if the "wharf", or portions thereof, is closed for safety reasons due to the probable interference with cargo handling or vessel operations (container operations) from the approaching storm [Reference HAR 19-42-124.]

E. Priorities When Approving Berths and Mooring.

- i. Priorities for approved Requests and berths and mooring shall in accordance with the procedures and the Harbor Master application of the Hawaii Administrative Rules as referenced in this Harbor Master Notice.
- ii. Priority and Scheduling of Berths shall be to government and assist tugs.

F. Scheduling berths.

Upon the receipt of Approval to Remain or Enter a port, scheduling a berth shall be done through Hawaii.PortCall.Com. in accordance with the Harbor Master Notice No. 2-17 - Electronic (Web-based) Scheduling of Vessel Berths by Agents and Vessel Schedulers" and posted below:

<http://hidot.hawaii.gov/harbors/library/harbor-master-notices-Maui-district/>

G. Responsibility of Requestor.

- i. In submitting a Request to Remain in Port or Enter the commercial harbor, the Requestor agrees to comply with all relevant rules and regulations including, but not limited to the following: §19-41-5, *Implied Agreement*; §19-42-4, *Mooring lines from Vessels*; §19-42-7, *Removal of vessel, raft, log or floating object causing damage to wharf*; §19-41-8, *Standards*; §19-42-9, *Deposit required to guarantee payment for charges incurred by vessels*; §19-42-10, *Performance bond required of idle vessel*; §19-42-11, *Agents for vessel; liability for fees*; §19-42-12 *Damage to state property*; §19-42-13, *Responsibility for repair or damage to state property*; §19-42-14, *Inspection of Vessels*; §19-42-15, *Compliance with federal, state, and County laws, ordinance, and rules.*
- ii. *Heavy Weather Plan*

The Requestor shall provide a mooring plan with its request to Remain/Enter Port Due to Predicted Hurricane and a Heavy Weather Plan.

- a. *46 CFR §44.01-13 Heavy Weather Plan*
- b. *HAR §19-42-18, Requirement for a local 24-hour point of contact;*
- c. *HAR §19-42-4, Mooring Lines from Vessels*

H. Harbors Division, Maui District (Kahului Harbor, Hana Harbor, Kaunapau Harbor & Kaunakakai Harbor) – Approved Plans

Upon receiving the request, the Harbor Master shall approve or deny the Request. An approval of the application by DOT Harbors is in no way meant as an endorsement or certification that the plans, specifications or other information and documentation provided by the requestor is safe, sufficient or otherwise without flaw.

By Order of the Harbor Master:



Duane S. S. Kim, Harbor Master

May 24, 2019

Date